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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

06/28/2005

The Scripps Research Institute Office of Patent Counsel, TPC-8 10050 North Torrey Prines Road La Jolla, CA 92037

EXAMINER		
BROWN, 1	ГІМОТНҮ М	
ART UNIT	PAPER NUMBER	
1640		

DATE MAILED: 06/28/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,802	02/19/2002	Dennis R. Burton	07300-025002	7485

TITLE OF INVENTION: ANTIBODY FOR LEGAND CAPTURE ASSAY

APPLN, TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	09/28/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

maintenance fee notifications							
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block I for any change of address)			Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.				
759	06/28/2005			have its own certificat	te of mailing or transmission.		
The Scripps Resea	arch Institute			Ce	rtificate of Mailing or Trans	mission	
Office of Patent Co				I hereby certify that t	his Fee(s) Transmittal is being	g deposited with the United	
10050 North Torrey Prines Road			I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.				
La Jolla, CA 92037						(Depositor's name)	
						(Signature)	
						(Date)	
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nonprovisional	NO	\$1400	· · · · · · · · · · · · · · · · · · ·	\$300	\$1700	09/28/2005	
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BROWN, TI		1648		530-387300			
1. Change of correspondence CFR 1.363).	address or indication of "Fe	e Address" (37		n the patent front page, I up to 3 registered pate	1		
Change of corresponde	ence address (or Change of 2) attached.	Correspondence	or agents OR, alt	ematively,			
			(2) the name of a	single firm (having as	a member a 2 mes of up to		
PTO/SB/47; Rev 03-02 o Number is required.	on (or "Fee Address" Indica r more recent) attached. Use	of a Customer	2 registered pate listed, no name v	ey or agent) and the nar nt attorneys or agents. I vill be printed.	f no name is 3	,	
3. ASSIGNEE NAME AND						,	
PLEASE NOTE: Unless recordation as set forth in	an assignee is identified be 37 CFR 3.11. Completion	low, no assignee of this form is NOT	data will appear on Γa substitute for fili	the patent. If an assigng an assignment.	mee is identified below, the d	locument has been filed for	
(A) NAME OF ASSIGNE	EE	(B)) RESIDENCE: (CI	TY and STATE OR CO	DUNTRY)		
Please check the appropriate	assignee category or catego	ries (will not be pri	inted on the patent)	: Individual 🗆 G	Corporation or other private gr	oup entity Government	
4a. The following fee(s) are			. Payment of Fee(s)		***		
☐ Issue Fee			A check in the	amount of the fee(s) is e	enclosed.		
			Payment by cre	ent by credit card. Form PTO-2038 is attached.			
Advance Order - # of			The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).				
5. Change in Entity Status	from status indicated above)	Deposit Freedum 1		(
a. Applicant claims SM	MALL ENTITY status. See	37 CFR 1.27.	• •	•	ALL ENTITY status. See 37 C		
The Director of the USPTO NOTE: The Issue Fee and Printerest as shown by the reco	s requested to apply the Issuablication Fee (if required) was of the United States Pate	ne Fee and Publicat will not be accepted ent and Trademark	tion Fee (if any) or t I from anyone other Office.	o re-apply any previous than the applicant; a re	sly paid issue fee to the applications gistered attorney or agent; or t	ation identified above. he assignee or other party in	
Authorized Signature				Date			
Typed or printed name Registration No					-		
an application. Confidentiali submitting the completed ap this form and/or suggestions Box 1450, Alexandria, Virgi Alexandria, Virginia 22313-	ty is governed by 35 U.S.C. plication form to the USPT for reducing this burden, sh nia 22313-1450. DO NOT 1450.	122 and 37 CFR 1 O, Time will vary lould be sent to the SEND FEES OR C	1.14. This collection depending upon the Chief Information COMPLETED FOR	n is estimated to take 12 e individual case. Any of Officer, U.S. Patent and MS TO THIS ADDRES	the public which is to file (an a minutes to complete, includicomments on the amount of tid Trademark Office, U.S. DepSS. SEND TO: Commissioner t displays a valid OMB control	ng gathering, preparing, and me you require to complete partment of Commerce, P.O. for Patents, P.O. Box 1450,	



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10050 North Torrey			ART UNIT	PAPER NUMBER
La Jolla, CA 92037			1648	
			DATE MAIL ED. 06/29/200	•

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	Application No.	Applicant(s)	
	10/079,802	BURTON ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Timothy M. Brown	1648	
The MAILING DATE of this communication ap All claims being allowable, PROSECUTION ON THE MERITS herewith (or previously mailed), a Notice of Allowance (PTOL-8 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT of the Office or upon petition by the applicant. See 37 CFR 1.3	IS (OR REMAINS) CLOSED in 85) or other appropriate communication is selection is selection.	this application. If not include inication will be mailed in due	ed course. THIS
1. $igspace$ This communication is responsive to <u>the After Final Ame</u>	endment mailed 2/10/2004, and	d the telephonic Interview of 1	<u>2/7/2004</u> .
2. ☑ The allowed claim(s) is/are <u>16,17,21 and 24</u> .			
3. $igotimes$ The drawings filed on <u>19 February 2002</u> are accepted b	y the Examiner.		
4. Acknowledgment is made of a claim for foreign priority a) All b) Some* c) None of the: 1. Certified copies of the priority documents had 2. Certified copies of the priority documents had 3. Copies of the certified copies of the priority International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DAT noted below. Failure to timely comply will result in ABANDOI THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be sull INFORMAL PATENT APPLICATION (PTO-152) which goes including changes required by the Notice of Draftsperior (a) including changes required by the Notice of Draftsperior (b) including changes required by the attached Examin Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFF each sheet. Replacement sheet(s) should be labeled as such in the priority documents and the priority documents are called the content of the	ave been received. ave been received in Application documents have been received. E" of this communication to file NMENT of this application. bmitted. Note the attached EXA gives reason(s) why the oath or nust be submitted. herson's Patent Drawing Review. er's Amendment / Comment or the state of th	n No d in this national stage applicated a reply complying with the recommendate of the declaration is deficient. If (PTO-948) attached in the Office action of the drawings in the front (not the	quirements IOTICE OF
7. DEPOSIT OF and/or INFORMATION about the de attached Examiner's comment regarding REQUIREMEN			Note the
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-946) 3. Information Disclosure Statements (PTO-1449 or PTO/SI Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposition of Biological Material	8) 6. ⊠ Interview St Paper No./ B/08), 7. ⊠ Examiner's	formal Patent Application (PTo ummary (PTO-413), Mail Date <u>13</u> . Amendment/Comment Statement of Reasons for Allo	
oi biological iviaterial	9. [] Other	<u>.</u>	

Application/Control Number: 10/079,802

Art Unit: 1648

Examiner's Amendment

Authorization for this examiner's amendment was given in separate telephone interviews with Michael J. McCarthy on December 7, 2004 and January 7, 2005.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Amendment to the Title:

Delete the present title "Ligand Capture-Directed Selection of an Antibody" and replace it with "Antibody for Ligand Capture Assay."

Amendment to the Specification:

Amend the first paragraph of page 1 of the specification with the following underlined additions:

This application is a divisional of U.S. application serial no. 08/972,564, filed November 18, 1997, now U.S. Patent No. 6,376,170, which is a continuation of U.S. application serial no. 08/316,914, filed October 3, 1994, now abandoned, the disclosure of which is considered part of (and is incorporated by reference in) the disclosure of this application.

Amendments to the Claims:

Cancel claim 18.

Application/Control Number: 10/079,802

Art Unit: 1648

Examiner's Comment

The substance of the Telephonic Interview of December 7, 2004 was as follows: Mr. McCarthy informed the Examiner that the Notice of Abandonment mailed August 23, 2004 was in error because an After-Final Amendment, placing the application in condition for allowance, was mailed February 10, 2004. The Examiner noted that the Office failed to process this amendment. It was agreed that the After-Final Amendment placed the application in *prima facie* condition for allowance, but that there was an issue concerning whether claim 18 satisfied the enablement requirements of 35 U.S.C. 112, first paragraph. Mr. McCarthy authorized the Examiner to cancel claim 18 in order to overcome this issue and expedite prosecution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/079,802

Art Unit: 1648

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy M. Brown Examiner Art Unit 1648

tmb

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600